

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

1

**The Minutes**

**August 21, 2006**

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Sims, Associate Justice; and Facey, bailiff.

**C049377      HINTON v. BECK and GRANGE INSURANCE GROUP et al.**

Cause called. Dugan Bar argued for appellant. Charles K. Brunn argued for respondents. Cause submitted.

At 9:59 a.m., the court recessed. At 10:03 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C049442      SLOVENSKY v. FRIEDMAN et al.**

Cause called. Guy D. Calladine argued for appellant. Betsy Kimball argued for respondents. Cause submitted.

At 10:37 a.m., the court recessed. At 10:40 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

**C050296      STATE OF CALIFORNIA ex rel. ALAN GRAYSON v. PACIFIC BELL  
TELEPHONE CO. et al.**

Cause called. Margery S. Bronster argued and Brian Taugher appeared only for appellant. Mark E. Haddad argued for respondent. Cause submitted.

At 11:10 a.m., the court recessed. At 11:12 a.m., the court reconvened with Sims, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C047604      THE PEOPLE v. GUARINO et al.**

Cause called. R. Bruce Finch, court appointed counsel, argued for appellant Guarino. Oliver J. Northrup, court appointed counsel, argued for appellant Carrero. Craig S. Meyers, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:30 a.m., the court recessed. At 11:33 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C049998      SINGH v. SOUTHGATE PROFESSIONAL CONDOMINIUM OWNERS  
ASSOCIATION**

Cause called. Raj Singh argued In Pro Per as appellant. Steven Finley argued for respondent. Cause submitted.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

2

**The Minutes**

**August 21, 2006, continued**

At 11:40 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Butz, Associate Justice.

**C050101      HOBBS v. HOBBS-WLAS**

Cause called. Sheri Ann Hobbs-Wlas argued In Pro Per as appellant. Isaac L. Fischer argued for respondent. Cause submitted.

At 2:23 p.m., the court recessed. At 2:26 p.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Hull, Associate Justice.

**C049659      JOHNSON et al. v. BALLETO**

Cause called. Matthew C. Freeman argued for appellant. Beverly Balletto argued In Pro Per as respondent. Cause submitted.

At 2:39 p.m., the court recessed. At 2:43 p.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C049458      ADISESH v. ADISESH and BETADPUR**

Cause called. Ramaswamy Adisesh argued In Pro Per as appellant. Michael A. Trenkle argued for respondent. Cause submitted.

At 3:13 p.m., the court recessed until 9:30 a.m., Tuesday August 22, 2006.

**C050061      THE PEOPLE v. JOHNSON**

**(Not for Publication)**

The judgment is affirmed.  
ROBIE, J.  
We Concur: Scotland, P.J.  
Butz, J.

**C050597      THE PEOPLE v. KURPJUWEIT**

**(Not for Publication)**

The judgment is affirmed, and the matter is remanded to the trial court with directions to prepare an amended abstract of judgment to reflect the authorized sentence... The trial court shall forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation or set the matter for resentencing.

BUTZ, J.  
We Concur: Sims, Acting P.J.  
Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

3

**The Minutes**

**August 21, 2006, continued**

- C050775      THE PEOPLE v. EPHREM      (Not for Publication)**  
The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Nicholson, J.  
Raye, J.
- C051146      THE PEOPLE v. McCLENDON II      (Not for Publication)**  
The judgment is affirmed.  
DAVIS, Acting P.J.  
We Concur: Hull, J.  
Cantil-Sakauye, J.
- C050343      GUIDROZ et al. v. PELHAM      (Not for Publication)**  
The judgment is affirmed. Defendant shall recover her costs on appeal.  
(Cal. Rules of Court, rule 27 (a) (1).)  
SIMS, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C051059      EVERSOLE v. FITZSIMMONS et al.      (Not for Publication)**  
The judgment is affirmed....  
NICHOLSON, Acting P.J.  
We Concur: Robie, J.  
Butz, J.
- C052432      WOODSIDE HOMES OF CALIFORNIA, INC. et al. v. THE SUPERIOR COURT  
OF SAN JOAQUIN COUNTY and WHEELER et al.      (CERTIFIED FOR PUBLICATION)**  
Having complied with the procedural requirements for issuance of a  
peremptory writ in the first instance, we are authorized to issue the peremptory  
writ forthwith...  
... Let a peremptory writ of mandate issue directing respondent superior  
court to vacate its order granting the motion to "invalidate" the reference  
provision in the contract and vacating the reference. Petitioners shall recover their  
costs. (Cal. Rules of Court, rule 56.)  
SIMS, Acting P.J.  
We Concur: Nicholson, J.  
Raye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

4

**The Minutes**

**August 22, 2006**

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Davis, Associate Justice; Cantil-Sakauye, Associate Justice; and Ellis, bailiff.

**C048581      In re HANNAH S., a Minor; SHERMAN v. SIMMONS**

Cause called. Jon D. Lydell argued and C. Athena Roussos appeared only for appellant. Walter Simmons, In Pro Per respondent, waived argument. Cause submitted.

At 9:48 a.m., the court recessed. At 9:51 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Raye, Associate Justice.

**C051273      REES v. KURPIESKI**

Cause called. Colin A. Bailey argued and William C. Kennedy appeared only for appellant. Jerrold B. Braunstein argued for respondent. Cause submitted.

At 10:08 a.m., the court recessed. At 10:12 a.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

**C049688      THE PEOPLE v. McALEXANDER**

Cause called. Joseph C. Shipp, court appointed counsel, argued for appellant. David Andrew Eldridge, Deputy Attorney General, argued for respondent. Cause submitted.

**C049936      SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1000 (CSEA) v. STATE DEPARTMENT OF PERSONNEL ADMINISTRATION**

Cause called. Christopher W. Katzenbach argued for appellant. Kevin Geckeler argued for respondent. Cause submitted.

At 11:21 a.m., the court recessed. At 2:02 p.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

**C045792      OAKLAND RAIDERS v. OAKLAND-ALAMEDA COUNTY COLISEUM INC.**

Cause called. Shirley M. Hudstenler argued and Melissa A. Jones and George C. Harris, appeared only for appellant. Jerome B. Falk argued for respondent. Cause submitted.

At 3:07 p.m., the court recessed until 9:30 a.m., Wednesday, August 23, 2006.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

5

**The Minutes**

**August 22, 2006, continued**

**MISC. ORDER 2006-011**

BY THE COURT:

To correct clerical error, Misc. Order 2006-002 is hereby amended to authorize amendment of the Local Rules of the Court of Appeal for the Third Appellate District to conform with the Supplement to the California Rules of Court published on July 20, 2006, in the California Official Reports.

SCOTLAND, P.J.

**C051223      THE PEOPLE v. RICHARD, SR.      (Not for Publication)**

The trial court is directed to correct the abstract of judgment to specify that defendant was awarded 116 days of presentence custody credit... As corrected and clarified, the judgment is affirmed. The trial court is directed to serve a copy of the amended abstract of judgment on defendant and the Department of Corrections and Rehabilitation.

BLEASE, Acting P.J.

We Concur: Morrison, J.  
Robie, J.

**C051794      THE PEOPLE v. SMITH      (Not for Publication)**

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Nicholson, J.  
Cantil-Sakauye, J.

**C044643      SMITH v. SMITH      (Not for Publication)**

The order denying enforcement of Lora's motion for spousal support arrearages is reversed. The matter is remanded for the trial court to determine the outstanding amount of arrearages. Lora shall recover her costs on appeal. (Cal. Rules of Court, rule 27(a).)

BUTZ, J.

We Concur: Blease, Acting P.J.  
Morrison, J.

**C049676      VSS EMULTECH v. CRENSHAW      (Not for Publication)**

The order granting the motion to strike is affirmed. Crenshaw shall recover costs on appeal.

RAYE, J.

We Concur: Scotland, P.J.  
Davis, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

6

**The Minutes**

**August 22, 2006, continued**

**C047476 THE PEOPLE v. HANSEN**

BY THE COURT:

Respondent's petition for rehearing is denied.

ROBIE, J.

CANTIL-SAKAUYE, J.

I would grant the petition.

MORRISON, Acting P.J.

**August 23, 2006**

At 9:29 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Robie, Associate Justice; Butz, Associate Justice; and Facey, bailiff.

**C051263 WELCHER v. WORKERS' COMPENSATION APPEALS BOARD et al.**

**CONSOLIDATED WITH**

**C051409 STRONG v. WORKERS' COMPENSATION APPEALS BOARD et al.**

**CONSOLIDATED WITH**

**C051790 LOPEZ v. WORKERS' COMPENSATION APPEALS BOARD et al.**

**CONSOLIDATED WITH**

**C051894 WILLIAMS v. WORKERS' COMPENSATION APPEALS BOARD et al.**

Cause called. Susan R. Borg argued for petitioner Williams. Roy J. Otis argued for petitioner Strong. Maynard K. Tescher, Jr. argued for petitioners Welcher and Lopez. David Froba argued for amicus curiae California Appellate Lawyers Association. David M. Goi argued for State Compensation Insurance Fund. Catherine J. Longman argued for respondent United. M. Diane Weber, City Attorney, argued for amicus curiae County of San Francisco. Leah D. Davis argued for amicus curiae County of Los Angeles.

At 10:54 a.m., the court recessed. At 10: 58 a.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; Robie, Associate Justice.

**C049043 RUDELL v. VISCIA**

Cause called. Mark Goldowitz argued for appellant. Matthew J. Durket argued for respondent. Cause submitted.

At 11:30 a.m., the court recessed. At 2:02 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Nicholson, Associate Justice.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

7

**The Minutes**

**August 23, 2006, continued**

**C050337      METZ v. SOARES**

Cause called. La Don G. Bader argued for appellant. Priscilla Fay Slocum argued for respondent. Cause submitted.

At 2:19 p.m., the court recessed. At 2:23 p.m., the court reconvened with Blease, Associate Justice; Morrison, Associate Justice; and Robie, Associate Justice.

**C049779      THE PEOPLE v. TURNER**

Cause called. Richard Krech, court appointed counsel, argued for appellant. John A. Bachman, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:33 p.m., the court recessed. At 2:41 p.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

**C049855      MacINTYRE et al. v. INTEGRATED LENDER SERVICES, INC. et al.**

Cause called. Mark F. Goudy argued for appellants. Howard D. Hall argued for respondents. Cause submitted.

At 3:02 p.m., the court recessed until 9:30 a.m., Thursday, August 24, 2006.

**C048122      THE PEOPLE v. NEY**

**(Not for Publication)**

The judgment is affirmed.  
BUTZ, J.  
We Concur: Morrison, Acting P.J.  
Hull, J.

**C049276      THE PEOPLE v. JONES**

**(Not for Publication)**

The judgment is affirmed.  
HULL, J.  
We Concur: Davis, Acting P.J.  
Raye, J.

**C050071      THE PEOPLE v. KAIBAN**

**(Not for Publication)**

The judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur: Morrison, J.  
Cantil-Sakauye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

8

**The Minutes**

**August 24, 2006**

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Morrison, Associate Justice; Cantil-Sakauye, Associate Justice; and Ellis, bailiff.

**C049290      THE PEOPLE v. TROTTER**

Cause called. Michael Satris, court appointed counsel, argued for appellant. J. Robert Jibson, Deputy Attorney General, argued for respondent. Cause submitted.

**C049473      SINGH v. U-SAVE AUTO RENTAL OF AMERICA, INC.**

Cause called. Raj Singh, argued In Pro Per, as appellant. Margaret Carew argued and Stacy E. Don appeared only for respondent. Cause submitted.

At 10:19 a.m., the court recessed. At 10:24 a.m., the court reconvened with Blease, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C051512      CORDUA IRRIGATION DISTRICT v. HALLWOOD IRRIGATION COMPANY**

Cause called. Howard N. Ellman argued for appellant. Stanley A. Coolidge argued for respondent. Cause submitted.

At 10:53 a.m., the court recessed until 9:30 a.m., Friday, August 25, 2006

**C049319      THE PEOPLE v. SANDOVAL**

**(Not for Publication)**

The judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur: Davis, J.  
Butz, J.

**C049598      THE PEOPLE v. JONES**

**(Not for Publication)**

The judgment is affirmed.  
RAYE, J.  
We Concur: Sims, Acting P.J.  
Nicholson, J.

**C049627      THE PEOPLE v. CANARY**

**(Not for Publication)**

The judgment is affirmed.  
NICHOLSON, J.  
We Concur: Sims, Acting P.J.  
Raye, J.



**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

9

**The Minutes**

**August 24, 2006, continued**

- C051284      THE PEOPLE v. MULLANY      (Not for Publication)**  
The judgment is affirmed as modified. The trial court is directed to prepare an amended abstract of judgment striking the no contact order and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.  
DAVIS, J.  
We Concur: Scotland, P.J.  
Hull, J.
- C051319      THE PEOPLE v. MILLER      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We Concur: Sims, Acting P.J.  
Raye, J.
- C051596      THE PEOPLE v. BRACKETT      (Not for Publication)**  
The judgment is affirmed.  
DAVIS, J.  
We Concur: Scotland, P.J.  
Hull, J.
- C052338      THE PEOPLE v. RICHARDSON      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We Concur: Blease, Acting P.J.  
Cantil-Sakauye, J.
- C050721      In re SCOUT D. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. STEPHANIE D.      (Not for Publication)**  
The order adjudging the minors dependent children of the juvenile court and removing them from parental custody are affirmed.  
DAVIS, J.  
We Concur: Scotland, P.J.  
Sims, J.
- C051382      In re A.H. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. TAQUISHA F.      (Not for Publication)**  
The judgment of disposition is affirmed.  
DAVIS, J.  
We Concur: Scotland, P.J.  
Butz, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

10

**The Minutes**

**August 24, 2006, continued**

**C049444      GREER v. BUZGHEIA**

BY THE COURT:

The request of applicant Consumer Attorneys of California to publish Part II of the opinion previously certified for partial publication on August 1, 2006, is denied.

DAVIS, Acting P.J.

**C051059      EVERSOL v. FITZSIMMONS et al.**

THE COURT:

It is ordered that the opinion filed herein on August 21, 2006, be modified as follows:...

... This modification affects the judgment.

THE COURT:

ROBIE, Acting P.J.

BUTZ, J.

**C052731      SINGH v. U-SAVE RENTAL et al.**

BY THE COURT:

Respondent U-Save Rental's motion to dismiss the appeal is granted. The appeal filed on May 19, 2006, is dismissed.

SIMS, Acting P.J.

**August 25, 2006**

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Butz, Associate Justice; and Facey, bailiff

**C049364      WESTERN PLACER CITIZENS FOR AN AGRICULTURAL AND RURAL  
ENVIRONMENT v. COUNTY OF PLACER et al. and TEICHERT, INC.**

Cause called. John M. Taylor and Jesse J. Yang argued and Kate Leary Wheatley appeared only for real party in interest. Susan Brandy-Hawley argued for respondent. Valerie D. Flood, County Counsel, appeared only for appellants.

At 10:11 a.m., the court recessed. At 10:12 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

**C051239      SINGH v. VINTAGE ESTATES**

Cause called. Raj Singh argued In Pro Per as appellant. Holly L. Johnson argued for respondent. Cause submitted.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

11

**The Minutes**

**August 25, 2006, continued**

At 10:32 a.m., the court recessed. At 10:37 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

**C051766      In re ANTWAAN A. et al.; SACRAMENTO COUNTY DEPARTMENT OF  
HEALTH AND HUMAN SERVICES v. THERESE J.**

Cause called. Jessica Ronco argued for appellant. Michelle Ben-Hur, County Counsel, argued for respondent. The parties stipulated to allow 30 days from this date to request Judicial Notice. Cause submitted.

At 10:38 a.m., the court recessed. At 10:41 a.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, J.

**C049924      PEARSON v. BRACE JR., et al.**

Cause called. Veronica Pearson argued In Pro Per as appellant. Richard Staff argued for respondents. Cause submitted.

At 10:57 a.m., the court recessed. At 11:01 a.m., the court reconvened with Robie, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C051885      KOPPING v. WORKERS' COMPENSATION BOARD et al.**

Cause called. Dudley R. Phenix argued for petitioner. John Frailing argued for amicus curiae California Appellate Attorneys. Don E. Clark argued respondent State Compensation Insurance Fund. Patrick Wu appeared only for Workers' Compensation Appeals Board. Leah D. Davie argued amicus curiae for County of Los Angeles. Cause submitted.

At 11:32 a.m., the court recessed until 9:30 a.m., Monday, August 28, 2006.

**C049800      THE PEOPLE v. TORRES      (Not for Publication)**

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur:    Sims, Acting P.J.  
                     Hull, J.

**C049899      THE PEOPLE v. TROYANO      (Not for Publication)**

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur:    Morrison, J.  
                     Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

12

**The Minutes**

**August 25, 2006, continued**

**C050887**

**CLARY v. CLARY**

**(Not for Publication)**

The judgment is affirmed. Respondent is awarded costs on appeal. (Cal. Rules of Court, rule 27(a).)

CANTIL-SAKAUYE, J.

I concur:       Hull, J.

I concur in Justice Cantil-Sakauye's opinion, affirming the trial courts' finding that the date of separation was May 1, 1990...

Sims, Acting P.J.